

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE:)	Case No. 18-80386
)	
LENT CHRISTOPHER CARR, II)	Chapter 13
DELTARINA V. CARR)	
Debtors.)	
_____)	

MOTION FOR PRIVATE SALE FREE AND CLEAR

NOW COME the Debtors, by and through their undersigned attorney, and moves the Court for an Order allowing a private sale of the real estate located at 3300 Laurinburg Rd, Raeford, NC 28376, free and clear of a notice of lis pendens asserted by Jannetta Jordan. In support thereof, the Debtors show as follows:

1. The Debtors filed this chapter 13 case on March 20, 2018. A plan was confirmed on October 26, 2018.
2. Mr. Carr, the Debtor, is the owner of real property located at 3300 Laurinburg Rd, Raeford, NC 28376 (the "Property"). Such property is more particularly described in the attached Exhibit A to this motion.
3. The Debtor's interest in the Property is subject to a tax lien in favor of the Hoke County Tax Collector, which is being paid under the plan.
4. Thomas Jerome Marshall (the "Buyer") has agreed to purchase the Property for a price of \$568,000.00. The parties desire to close on or before July 5, 2019. A copy of the agreement is being filed contemporaneously with this motion.
5. As of the petition date, the Debtor scheduled the value of the Property at \$451,000.00. The Debtor believes that the proposed sale price represents the present true market value of the Property.
6. As a result of the equity in the Property, the Debtors' confirmed plan provides for payment in full plus interest to allowed unsecured claims demonstrating liability of Mr. Carr, classified as Class A Unsecured claims. The claim provides for all other allowed unsecured claims to be classified as Class B Unsecured claims and paid at 0%. Only one claim was filed in Class B, the claim of Meade and Associates in the amount of \$74.83.
7. The Debtors propose to use proceeds from closing to pay all allowed claims under the plan to enable the case to move forward towards discharge.
8. On or around April 4, 2018, Jannetta Jordan filed a Notice of Lis Pendens in Hoke County concerning the Property, asserting a debt of \$250,000.00.
9. The Notice of Lis Pendens was filed post-petition and concerns indebtedness that has been previously disallowed by order of this Court on October 26, 2018.

10. Under 11 U.S.C. § 363(f), the Property may be sold free and clear of any interest Jannetta Jordan has in the Property. Ms. Jordan could be required in a proceeding in this court or the state courts of Hoke County to satisfy and release her interest.
11. Furthermore, Ms. Jordan's interest is in bone fide dispute, a dispute that would be finally and definitively resolved by the conclusion of this case with a discharge.
12. Proposed Buyer is not an interested party to this Chapter 13 case and is not related to the Debtor.
13. Proposed sale was negotiated without assistance of a broker or agent; no commission is outstanding or anticipated.
14. Approval of the sale as proposed in this motion would be in the best interests of the Debtor, the bankruptcy estate, and all parties in interest.

WHEREFORE, the Debtors pray that the Court enter an Order:

1. Allowing the private sale of the property at 3300 Laurinburg Rd, Raeford, NC 28376 for the purchase price of \$568,000.00 to Thomas Jerome Marshall;
2. Granting such sale be free and clear of any interest in the Property of Jannetta Jordan, including any interest under the Notice of Lis Pendens on file in Hoke County;
3. Requiring that such proceeds necessary to satisfy remaining allowed claims in this case be tendered at closing to the Chapter 13 trustee, together with any agreed additional amount to provide reserve for administrative expenses subsequently allowed;
4. Providing that the authorization for sale is effective immediately and not stayed under Bankruptcy Rule 6004(h); and
5. For such other relief as the Court deems appropriate.

Respectfully submitted, this the 4th day of June, 2019

s/ Erich M. Fabricius
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